



# City Council Agenda

Council President  
**Tom Boyajian**

Councilmembers

**Brian Calhoun**  
**Brad Castillo**, Acting President  
**Mike Dages**

**Jerry Duncan**  
**Henry T. Perea**  
**Cynthia Sterling**

City Manager  
**Daniel G. Hobbs**

City Clerk  
**Rebecca E. Klisch , CMC**

City Attorney  
**Hilda Cantú Montoy**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

**TUESDAY, APRIL 8, 2003**

*If you would like to speak, fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on ([www.ci.fresno.ca.us](http://www.ci.fresno.ca.us)) The Council meeting can also be heard live at the same web site address.*

## **8:30 A.M. ROLL CALL**

Invocation by Dr. D. Merrill Ewert, President of Fresno Pacific University

Pledge of Allegiance to the Flag

Proclamation of "AQUARIUS AQUARIUM DAY" - Council President Boyajian

Proclamation of "HBO SPORTS AND TOP RANK BOXING WEEK" - Mayor Autry

Resolution of Commendation to the City of Fresno's Fleet Management Division - Mayor Autry and All Councilmembers

Resolution of Commendation to California Fresno State University's Girls' Basketball Team and Coach - Acting President Castillo

Presentation by the Casa San Miquel Homeowners Association to Fresno Officials and Commissioners

## **Action Taken:**

*Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council, there will first be a staff presentation, followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.*

*The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.*

Approve minutes of April 1, 2003

**Action Taken:**

Approve Agenda

**Action Taken:**

Adopt Consent Calendar (Contested Consent item(s) discussed immediately following)

**Action Taken:**

**TIME SCHEDULED HEARINGS AND MATTERS**

**10:00 A.M.** Presentation by Loretta Lynch, President of the CA Public Utilities Commission (PUC) - Councilmember Calhoun

**10:15 A.M.** HEARING CONTINUED TO 4:30 P.M.

**10:20 A.M.** HEARING CONTINUED TO 4:35 P.M.

**10:30 AM#1** HEARING to consider alignment and width of proposed public street for a 13-parcel industrial Rezoning Application No. R-02-27, property located on the south side of E. Copper Avenue between N. Maple and N. Cedar Avenues, filed by Leo Wilson (**Continue to April 22, 2003 at 2:45 P.M.**)

**Action Taken:**

**10:30 AM#2** HEARING CONTINUED TO 4:40 P.M.

**10:45 A.M.** Appearance by Vice President Tom Bottorff, Customer Service, PG&E to discuss energy issues - Acting President Castillo

**11:00 A.M. - RECESS**

**2:00 PM #1** **CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**, Government Code Section 54956.9(a)

**1. Case Name:** United States of America v. City of Fresno; and Family Alliance for the Mentally Ill, Affordable Homes, Inc., Craig Harvey and Jane Doe v. City of Fresno, et al., United States District Court for the Eastern District of California, Case No. CV-F-96-5349 OWW DLB

**Action Taken:**

2:00 PM #1

**CLOSED SESSION CONTINUED**

**B. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -**  
Government Code Section 54956.9, Subdivision (c)

1. **Case Name:** City of Fresno v. Guadalupe S. Lomeli

**Action Taken:**

**C. CONFERENCE WITH LABOR NEGOTIATOR -** Government Code Section 54957.6

**City Negotiator(s):** Severo Esquivel, Adela Gonzalez and Jorge C. Aguiniga

**Employee Organization(s):**

1. Amalgamated Transit Union (ATU) Unit 06
2. Fresno City Employees' Association (FCEA)

**Action Taken:**

2:00 PM #2

**JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS -** Government Code Section § 54956.8

**PROPERTY:** Three parcels of land (one parcel immediately east of and adjacent to the BNSF Railroad right of way, between Kern and Mono Streets; two parcels immediately west of and adjacent to the BNSF Railroad right-of-way, between Tulare and Inyo Streets, including the old Santa Fe Depot).

**CITY NEGOTIATORS:** Robb Wood, Robert English, Jerry Haynes and Marlene Murphey

**NEGOTIATING PARTIES:** Burlington Northern Santa Fe Railroad (BNSF)

**UNDER NEGOTIATION:** Terms and price

**Action Taken:**

2:30 P.M.

Discussion regarding initiating the process of renaming the "old" Convention Center Exhibit Hall to "Ernest E. Valdez Hall" by setting a hearing - Councilmember Dages

**Action Taken:**

3:00 P.M.

**HEARING** to consider Rezoning Application No. R-02-56, and environmental findings, filed by First American Title, for .61 acre of property located on the east side of N. Barton Avenue between E. Ashlan and E. Shields Avenues **(Property located in District 4)** - Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt Categorical Exemption prepared for Environmental Assessment No. R-02-56

**Action Taken:**

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the M-1/cz, Light Manufacturing/with conditions of zoning, zone district to the M-1/cz, Light Manufacturing/ with modified conditions of zoning, zone district

**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

**3:15 P.M.**     **HEARING** to consider Rezoning Application No. R-02-050, and environmental findings, filed by Don Pickett and Associates, for 8.84 acres of property located on the south side of E. Clinton Avenue 600 feet east of N. Clovis Avenue (5676 E. Clinton Avenue) (**Property located in District 5**) - Planning and Development Dept.

**Action Taken:**

1.     Consider and adopt finding of Negative Declaration prepared for Environmental Assessment No. R-02-50

**Action Taken:**

2.     **BILL** - Amending the Official Zone Map to rezone the subject property from the R-A, Single-Family Residential-Agricultural, zone district to the M-1, Light Manufacturing zone district

**Action Taken:**

**3:30 PM**

## JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of March 18, 2003

**Action Taken:**

- A.     Consider approval of the fifth request by Civic Center Square, Inc., to amend Settlement Stipulation and Stipulated Judgment to allow up to six (6) additional month-to-month extensions of time to begin and complete construction of improvements on Parcel 7 within Civic Center Square Area (Tulare, between "N" and "O" Streets)

**Action Taken:**

- B.     **HEARING** to consider that the City Council and Agency take the following respective recommended actions: (**See Attachment "A"**)

1.     \* **RESOLUTION(S)** - That public interest and necessity require the acquisition of certain easements and rights-of-way along Marks Avenue, generally, between Belmont Avenue and West Whites Bridge Road; more specifically, located at Assessor's Parcel Numbers: 326-150-08 (Baloian); 458-020-09 (California Compress Co. Inc.); 458-020-61 (Central California Waste Paper, Inc./Shubin); 326-060-18 (Crippen); 326-100-01 (Evanski); 458-050-28 (Fleming); 458-050-31 (Fresno Auto Dealers Auction, Inc.); 458-050-30 (Fresno Auto Dealers Auction, Inc.); 449-121-24 (Hasson); 449-121-13 (Honda); 326-060-22 (Hood Brothers); 326-160-34 (Kinder Co.); 326-160-35 (Kinder Co.); 458-080-01 (Williams); 326-160-14 (Naffziger); 326-060-31 (Nicks Trucking, Inc.); 326-060-24 (Patel); 326-060-25 (Patel); 458-080-35 (Sparks); 326-160-12 (Fresno Irrigation District); 326-010-12 (Southern/Union Pacific Railroad); and 458-010-01 (Southern/Union Pacific Railroad), for public purposes including redevelopment of the properties and for the Federal Economic Development Administration Phase III Public Improvement Project to widen and construct improvements along Marks Avenue (Roeding Industrial Business Park Redevelopment Project Area), and authorizing eminent domain proceedings for such acquisitions; (**Requires 5 affirmative votes**) (**Council action**)

**Action Taken:**

2.     Authorize the execution of purchase agreements with the owners of the above properties for the easements and rights-of-way subject to approval of the Office of the City Attorney, or retained outside counsel; (**Council and Agency action**)

**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

3:30 PM #2

### JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- B. **HEARING (*Continued from page 4*)** to consider that the City Council and Agency take the following respective recommended actions:
3. Authorize the City Manager or his designee, the Executive Director or the Redevelopment Administrator, and the Office of the City Attorney, or retained outside counsel, to take actions and to execute such documents including, without limitation, negotiating and executing any agreements and instruments that may be necessary to finalize or carry out the intents and purposes of the Agency and/or City Council  
**(Council and Agency action)**  
**Action Taken:**
- C. Report on location and construction of Ponding Basin "T" storm drainage facilities and direction from Council and the Redevelopment Agency **(Council and Agency action)**  
**Action Taken:**

### ADJOURN AGENCY

4:30 P.M.

**CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 46, Final Tract Nos. 5070 and 5077 - Public Works Dept.

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2, and authorizing the levy of a special tax  
**Action Taken:**
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:**
- c. **RESOLUTION** - Declaring election results  
**Action Taken:**
- d. \* **BILL** - Levying a special tax for the property tax year 2003-2004 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 46  
**Action Taken:**

4:35 P.M.

**CONTINUED HEARING** to consider Plan Amendment No. A-02-07, Rezoning Application No. R-02-14, and environmental findings, filed by Bruce O'Neal, Land Use Associates, on behalf of Saint Agnes Medical Center, for 4.01 acres of property located at the northwest corner of E. Spruce and N. Spalding Avenues **(Property located in District 6)** - Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt finding of Mitigated Negative Declaration prepared for Environmental Assessment No. A-02-07/R-02-14  
**Action Taken:**
- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and Woodward Park Community Plan  
**Action Taken:**
- c. **BILL** - Amending the Official Zone Map to rezone the subject property from the R-2/UGM/cz, Low Density Multiple-Family Residential/Urban Growth Management/with special conditions zone district, to the C-P/UGM, Administrative Professional Office/Urban Growth Management zone district  
**Action Taken:**

## TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

**4:40 P.M. CONTINUED HEARING** to consider alignment and width of proposed public street for a 13-parcel industrial development on the south side of E. Clinton Avenue between N. Clovis and N. Sunnyside Avenues (Tentative Parcel Map No. 2002-26) ***(Property located in District 5)*** - Planning and Development Dept.

**Action Taken:**

- a. Consider and adopt finding of Mitigated Negative Declaration prepared for Environmental Assessment No. Tentative Parcel Map No. 2002-26, dated February 25, 2003

**Action Taken:**

- b. **RESOLUTION** - Approving the street alignment and width of proposed public street

**Action Taken:**

### 1. GENERAL CONSENT CALENDAR

**(All consent calendar items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested, in which event the item will be removed from the Consent Calendar and considered immediately following)**

- A. \* **RESOLUTION** - 75<sup>th</sup> amendment to AAR No. 2002-216 appropriating \$9,900 for the Fresno Police Department's California Seatbelt Compliance Campaign (CSBCC) ***(Requires 5 affirmative votes)***

**Action Taken:**

- B. Reject single bid for a requirements contract for plumbing services (labor only) - General Services Dept.

**Action Taken:**

- C. Award a contract to Agee Construction for Regional Wastewater Reclamation Facility realignment of Dry Creek and rehabilitation of Canal "A" - General Services Dept./Public Utilities Dept.

**Action Taken:**

- D. Reject low bid and award a requirements contract to Cascade Fire Equipment of Medford, Oregon for large diameter fire hose - General Services/Fire Dept.

**Action Taken:**

- E. Award a contract to Sanchez Grading of Fresno for Fink-White Neighborhood Playground improvements (rebid) - General Services Dept./Public Works Dept./Parks and Recreation Dept.

**Action Taken:**

- F. Authorize and direct the Public Works Director to execute a Common Use Agreement with the Fresno Irrigation District over a landscaped area at Sierra and Babigian Avenues - Public Works Dept.

**Action Taken:**

- G. Approve appointment of Jennifer White to the Planning Commission - Mayor Autry

**Action Taken:**

1. **GENERAL CONSENT CALENDAR CONTINUED**

- H. Recommend approval of agreement for a \$52,000 loan of Home Community Housing and Development Organization (CHDO) funds to the Housing Assistance Corporation for a feasibility study and for assessing the need to rehabilitate properties along W. California Avenue - HECD

**Action Taken:**

- I. Approve appointment of Dr. Sudarshan Kapoor to the Human Relations Commission - Acting President Castillo

**Action Taken:**

2. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

3. **GENERAL ADMINISTRATION**

- A. \* **BILL NO. B-20 - (For adoption)** - Amending the Fresno Municipal Code relating to Civil Service Board regulations - Personnel Services Dept.

**Action Taken:**

- B. \* **BILL NO. B-25 - (For adoption)** - Amending the Fresno Municipal Code relating to the campaign contribution limits for candidates for elective office - City Attorney's Office

**Action Taken:**

- C. \* **RESOLUTION** - 79th amendment to AAR No. 2002-216 appropriating \$127,200 from the Community Sanitation fund balance and ratify the executed agreement with County of Fresno Probation Department for work crews composed of juveniles sentenced to community service (**Requires 5 affirmative votes**) - Housing, Economic and Community Development

**Action Taken:**

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** You may address the City Council regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

## SCHEDULED COUNCIL HEARINGS AND MATTERS

- Apr. 15 - NO MEETING - EASTER WEEK**
- Apr. 15 - 3:00 P.M. CONTINUED HEARING** re: Plan Amendment No. A-02-22, Rezone Appl. No. R-02-45, CUP #C-02-241, filed by Al Solis, representing Krazan & Associates, property located on W. Herndon Avenue between N. Milburn and N. Cornelia **(Continue to 4/22/2003 @ 10:00 a.m.)**
- Apr. 22 - 10:00 A.M. CONTINUED HEARING** re: Plan Amendment No. A-02-22, Rezone Appl. No. R-02-45, CUP #C-02-241, filed by Al Solis, representing Krazan & Associates, property located on W. Herndon between N. Milburn and N. Cornelia
- Apr. 22 - 10:15 A.M. CONTINUED HEARING** re: Rezone Appl. No. R-02-27, filed by Leo Wilson
- Apr. 22 - 10:30 A.M. HEARING** re: a Resolution of Necessity for property located on southeast corner of Van Ness and Inyo, 760 Van Ness Avenue
- Apr. 22 - 10:45 A.M.** Discussion of City of Fresno's construction accountability for the Public Works Dept. - Councilmember Dages
- Apr. 29 - 10:00 AM#1** Presentation of Employee Service Awards **(Reception immediately following - 2<sup>nd</sup> floor foyer)**
- Apr. 29 - 10:00 AM#2 HEARING** re: Community Facilities District No. 2, Annexation No. 47, Tract No. 5099
- Apr. 29 - 10:45 A.M. HEARING** re: Plan Amendment No. 02-25, filed by Granum Development
- May 6 - 9:00 A.M.** Presentation of P.R.I.D.E. Team Certificates **(Reception immediately following - 2<sup>nd</sup> floor foyer)**
- May 6- 10:00 A.M. HEARING** re: Rezone Application No. R-03-03, filed by Lars Andersons & Associates for Jamie Bratton, Bryan Thompson, and Steven Fogg
- May 27 - NO MEETING - MEMORIAL DAY**
- June 3 - 8:30 A.M. JOINT MEETING** with Madera County Board of Supervisors
- June 3 - 2:30 P.M. HEARING** re: CFD No. 2, Annexation No. 48, Tract No, 4701
- June 3 - 2:35 P.M. HEARING** re: CFD No. 2, Annexation No. 49, Tract No, 4682
- June 3 - 2:40 P.M. HEARING** re: CFD No. 2, Annexation No. 50, Tract No, 5123